

REMARKS/ARGUMENTS

Claims 2, 4 – 7, 10 – 13, and 15 – 21 have been rejected under 35 U.S.C. Section 102 (b) as anticipated by U.S. Patent Number 5,488,543 to Mazura. Claim 8 has been rejected under 35 U.S.C. Section 103(a) as unpatentable over Mazura in view of Anderson, U.S. Patent Number 5,806,945. Claim 14 has been rejected under 35 U.S.C. Section 103(a) as unpatentable over Mazura. Claims 10 and 17 have been amended to clarify that the connecting sections coupling each of the lateral arm sections to the base section truncate an inside corner formed between the arm and the base corners. New claims 22 – 24 have been added. Reconsideration of the application in view of the amendments and the following remarks is respectfully requested.

Section 112 Rejections

Claims 13 and 14 have been rejected under 35 U.S.C. Section 112 second paragraph as indefinite. In response, claims 13 and 14 have been amended to replace “latitudinal arm” with “lateral arm” and “base” with “base section”, respectively. In view of these amendments, the applicants respectfully request that the rejection of claims 13 and 14 under 35 U.S.C. Section 112 be withdrawn.

Claims 16 and 19 have been rejected under 35 U.S.C. section 112 first paragraph as lacking enablement for failing to illustrate or describe a curved connecting section. On the contrary, throughout the specification, the frame is described as being constructed of U-shaped members. The letter “U”, as shown here, and at numerous places on this page, clearly includes curved connecting sections. Moreover, in the office action it is asserted that the connecting sections are taught as linear and “form a curve” with the base and arm sections. It is, however, not possible to form a curve with entirely linear sections. To form a curve,

rather, at least some of the components must be curved. As the description of a U-shaped member clearly provides for curves, curved sections are illustrated in the drawings, and curves cannot be formed from linear segments, the applicants respectfully request that the rejection of claims 16 and 19 under 35 U.S.C. Section 112 first paragraph be withdrawn.

Section 102 Rejections

To anticipate a claim, the cited reference must include all of the elements of the claims either expressly or inherently. The Mazura reference, however, fails to show many of the elements of claims 2, 4 – 7, 10 – 13, and 15 – 21.

The Mazura reference discloses a frame stand including a base plate and a lid plate (1, 2) which are manufactured in one piece and are made of aluminum die cast (column 3, lines 27 – 29). The base and lid plates comprise a rectangular section 8, and include brackets (10 and 12) which form a wide “H” (column 3 lines 59 – 62). A large circular ventilation opening (14) is provided in the center of the H-shaped base. The rectangular base plate (8) includes holes (6) provided in the top of the base plate and the bottom of the lid plate for receiving aluminum extrusion posts (3). The side panels (18, 21, 22) are coupled directly to edge strips 13 of the base and lid plate (1, 2), as shown in Fig. 3, and discussed at column 4 lines 20 - 24.

There are, therefore, a number of very substantial differences between the Mazura reference and the invention as recited in the claims. With respect to claim 10, Mazura does not disclose a connecting section which couples the arm to the base. As the arm and base are formed as an integral piece, there is no need for a connection portion between the arm and the base. The section delineated in the office action as “E” clearly does not couple the arm to the base since, as seen in Fig. 2, this section can be removed without any affect on the connection

between the arm and base. Furthermore, the section "E" does not truncate an inside corner formed between the arm and the base at an intersection of axes of the arm sections and the base section, as recited in claim 10, as amended. On the contrary, the section E is provided at an outside corner, and extends beyond the outside corner, extending the existing corner rather than truncating it. Moreover, the section E does not form an angle of greater than ninety degrees between the connecting section and each of the axes of the base and the arm section, as recited in claim 10. Mazura, therefore, does not anticipate claim 10 as amended.

With respect to claim 2, the base and lid of Mazura are, as discussed above, explicitly disclosed to be constructed of a single piece of diecast aluminum. These components are not and cannot be constructed of tubes or bars. Bars by definition are elongated, evenly shaped pieces, which cannot be formed in a single piece to provide an H shape as shown. Mazura, therefore, neither discloses nor suggests a tubular or a bar construction. Mazura, therefore, does not anticipate claim 2. Similarly, with respect to claim 4, the posts are explicitly described as rails made of extruded aluminum. Again, these rails are not disclosed to be constructed of either bars or tubes. Mazura, therefore, does not anticipate claim 4.

With respect to claims 11, 12, and 13, again, the lid and base of Mazura are each constructed of a single diecast aluminum piece. Mazura does not disclose a base or a lid comprised of two U-shaped members, and in fact teaches the opposite. Mazura therefore cannot anticipate any of these claims, and a rejection under 35 U.S.C. Section 102 is therefore inappropriate.

With respect to claims 15 and 18, the section "E" which has been associated with a connecting section in the office action, is not angled with respect to the base and the arm section. Rather the section E is a square, one side of which is parallel with the base and one

side of which is parallel with the arm. With respect to claims 16 and 19, the connecting section is clearly not curved. Mazura, therefore, cannot anticipate claims 15, 16, 18, and 19.

With respect to claim 17, again, Mazura does not disclose first and second U-shaped members. On the contrary, Mazura explicitly states that the base and lid are constructed of a single piece of diecast aluminum. Again, Mazura does not disclose a connecting section between the arm and the base, or a connecting section with truncates a corner formed between the arm and the base. For all of these reasons, Mazura cannot anticipate claim 17.

With respect to claim 20, the side members of Mazura do not extend from an outer edge of the lateral arm of one transverse member to an outer edge of a lateral arm of the second transverse member. On the contrary, the poles described by Mazura extend from the holes provided in the top of the rectangular base of the base member to those provided in the bottom of rectangular base of the lid. Mazura, therefore, cannot anticipate claim 20.

With respect to claim 21, the side panels of Mazura are not coupled to the side members. Rather the panels are coupled directly to the base and lid. See, for example, Figure 3 of Mazura, and column 4, lines 20 – 24: Therefore, Mazura cannot anticipate claim 21.

As claims 2, 4 – 7, 10 – 13, and 15 – 21 are not anticipated by Mazura, the applicants respectfully request that the rejection of these claims under 35 U.S.C. Section 102 be withdrawn.

Rejections under Section 103

Claim 8 has been rejected under 35 U.S.C. Section 103(a) as unpatentable over Mazura in view of Anderson, U.S. Patent Number 5,806,945. In the office action, it is asserted that Anderson teaches a frame comprising side panels coupled to the frame by hooks

(60). The element 60, however, are described as “fasteners” in the specification. A key word search of the patent indicates that the term “hook” never appears. Anderson therefore does not disclose hooks. As neither Anderson nor Mazura discloses a hook for retaining the side panels to the frame, claim 8 cannot be obvious based on this combination. Therefore, the applicants respectfully request that the rejection of claim 8 under 35 U.S.C. Section 103 be withdrawn.

Claim 14 has been rejected under 35 U.S.C. Section 103(a) as unpatentable over Mazura. In the office action it is asserted that it would have been obvious to weld the base members of the two U-shaped members of Mazura together since forming an integral structure in various elements involves only routine skill in the art. Mazura, however, does not disclose two U-shaped members, but a single unitary piece. Furthermore, Mazura at no point discusses welding or any other method of coupling two members together. As Mazura fails to disclose two U-shaped members, or any process for joining such members, and further provides no teaching or suggestion to form a base of two members, the invention as recited in claim 14 cannot be obvious in view of Mazura. Therefore, the applicants respectfully request that the rejection of claim 8 under 35 U.S.C. Section 103 be withdrawn.

New Claims

New claims 22 and 23 depend from claim 17. New claim 22 clarifies that the first and second U-shaped members can be constructed from tubes. Claim 23 clarifies that the first and second –shaped members can be constructed from bars.

New claim 24 recites a frame for an electrical cabinet in which first and second transverse members provided at opposing ends of the frame comprise a first, a second, a third, and a fourth lateral arm section, and a connecting section. Each of the lateral arm

sections are substantially parallel to one another and to the sides of the frame. The first and second lateral arm sections have an opening between them at the front of the cabinet and the third and fourth lateral arm sections have an opening between them at the rear of the cabinet. The connecting sections couple the inside ends of the first, second, third and fourth lateral arm sections to one another, and include elongated members for affixing the inside ends of the arm sections to one another.

The cited Mazura reference, among other things, does not disclose an elongate member for affixing the inside ends of lateral arm sections together. As discussed above, Mazura discloses a transverse member constructed of a single, formed piece.

Conclusion

The Applicants therefore submit that the claims 2, 4 – 8, 10 – 21, and new claims 22 – 24 distinguish over the cited reference, and respectfully request that the rejections of these claims be withdrawn and that a notice of allowance be issued.

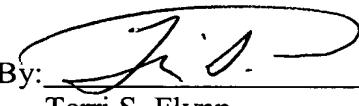
In response to the Notice of Non-compliant Amendment, the Applicant hereby submits a revised listing of claims. In view of the revised listing, the amendment is believed to be in compliance, and the Applicants respectfully request examination of the claims.

Appl. No. 09/868,781
Amdt. Dated January 20, 2005
Reply to Office Action of January 12, 2005

No fees are believed necessary to enter this amendment. However, the Commissioner is authorized to charge any additional fees that may be due on this application to Deposit Account 17-0055. The Commissioner is also authorized to treat this amendment and any future reply in this matter requiring a petition for an extension of time as incorporating a petition for extension of time for the appropriate length of time as provided by 37 CFR § 136(a)(3).

Respectfully submitted,

David Horne

By: 

Terri S. Flynn
Quarles & Brady LLP
Reg. No. 41,756
Attorney for Applicant
411 East Wisconsin Avenue
Milwaukee, WI 53202-4497
414/277-5229